

Message Text

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ACTION SIG-02

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-----110239 151502Z /41
R 151121Z SEP 77
FM AMEMBASSY NAIROBI
TO SECSTATE WASHDC 1386

LIMITED OFFICIAL USE SECTION 1 OF 2 NAIROBI 12024

E.O. 11652: NA
TAGS: ASIG
SUBJ: EVALUATION OF THE CONSULAR FUNCTION

FOLLOWING RESPONSE DRAFTED LARGELY BE CHIEF OF CON-
SULAR SECTION.

1. WAIVER OF NIV'S IN NEIGHBORING COUNTRIES WOULD
PROBABLY PRODUCE INQUIRIES AND ADVERSE REACTION IN KENYA,
WERE NIV'S STILL REQUIRED FOR KENYANS. APART FROM SUMMER
STUDENT VISA RUSH SEASON, NIV WORKLOAD AT NAIROBI IS NOT
SO HEAVY THAT IT MIGHT DETRACT FROM TIME AVAILABLE FOR
CONSOFFS TO PROVIDE ASSISTANCE/SERVICES TO AMERICANS.
FROM OUR EXPERIENCE WITH THE AVERAGE STUDENT VISA
APPLICANT, WE DOUBT WISDOM OF ELIMINATING VISA REQUIRE-
MENT FOR THAT CLASS OF NONIMMIGRANTS. NEARLY ALL
APPLICATIONS FOR VISITORS VISAS ARE PRESENTLY APPROVED
AT NAIROBI, WITH A SMALL PERCENTAGE EVENTUALLY ADJUSTING
STATUS. VISITOR'S NIV'S COULD PROBABLY BE ELIMINATED
WITHOUT MAJOR ABUSES RESULTING, AT PRESENT.

2. PERSONNEL RESOURCES AT NAIROBI ARE ADEQUATE FOR
PRESENT AND PROJECTED NEEDS. THE JUNIOR CONSULAR OFFICER
IN THE SECTION IS PRESENTLY PART OF THE EMBASSY'S ROTATIONAL
TRAINING PROGRAM, WHICH RESLUTS IN A SHIFT OF OFFICERS EVERY
NINE MONTHS, WITH ATTENDANT LOSS OF CONTINUITY AND EFFICIENCY.

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MUCH TIME OF THE SENIOR CONSULAR OFFICER IS REQUIRED TO TRAIN
AND SUPERVISE EACH OF THESE NEW JUNIOR CONSULAR OFFICERS.
WHILE THE IDEA OF ROTATIONAL TRAINING FOR FIRST-TOUR OFFICERS
IS HIGHLY BENEFICIAL TO THE OFFICER INVOLVED AND TO THE
SERVICE AS A WHOLE, AT POSTS WITH SMALL SECTIONS, SUCH AS
NAIROBI, A ROTATIONAL PROGRAM CREATES SERIOUS LOSS OF EFFECTIVE-
NESS. THIS IS PARTICULARLY NOTABLE IN CONSULAR WORK, WHERE

ATTEMPTS TO DEVELOP A "CASEWORKER" APPROACH ARE DEFEATED BY ROUTINE TRANSFERS OF OFFICERS OUT OF THE SECTION. THE DEPARTMENT MIGHT REVIEW THE RATIONALE FOR ROTATIONAL TRAINING PROGRAMS, AS THEY INVOLVE SMALL CONSULAR SECTIONS.

3. FUNDING FOR OPERATIONS AND NECESSARY TRAVEL IS ADEQUATE AT NAIROBI AT PRESENT.

4. CONSULAR OFFICER COMMENTS: AT NAIROBI, CHIEF OF CONSULAR SECTION IS MEMBER OF COUNTRY TEAM, AND IS ROUGHLY ON THE SAME HIERARCHICAL LEVEL AS COUNSELLORS FOR POLITICAL AFFAIRS, FOR ECONOMIC AFFAIRS, FOR ADMINISTRATION, ETC. HOWEVER, PROBLEMS OF "SECOND CLASS CITIZENSHIP" DO OCCASIONALLY EXIST, LARGELY WHEN SUPERIOR OFFICERS ATTEMPT TO SECOND GUESS CONSULAR DECISIONS (MAINLY IN VISA MATTERS), ON GROUNDS OF SERVING "BIG PICTURE" INTERESTS. IT IS OBSERVATION OF CONSULAR OFFICER THAT SENIOR LEVEL EXECUTIVE OFFICERS FREQUENTLY HAVE NO REAL IDEA OF COMPLEXITY, VOLUME, AND DELICACY OF CONSULAR DECISION MAKING, OR THE REGULATORY AND LEGAL BASIS FOR CONSULAR ACTIONS. LACK OF ATTENTION MAY BE EXCUSED ON GROUND THAT DCM AND AMBASSADOR SCHEDULES DO NOT ALLOW TIME FOR CLOSE ASSOCIATION WITH CONSULAR OPERATIONS, BUT THIS CAN LEAD TO SITUATION IN WHICH CONSULAR WORK COMES TO ATTENTION OF SENIOR OFFICERS ONLY WHEN THERE IS A CRISIS-THE "WHAT'S THE MATTER THIS TIME?" SYNDROME, THIS IN TURN CAN LEAD SENIOR EXECUTIVE TO BELIEVE THAT LIMITED OFFICIAL USE

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CONSULAR OFFICER IS SUITED ONLY FOR HANDLING ROUTINE MATTERS, WHILE "BIG" CASES WILL BE HANDLED BY SENIOR OFFICERS, WHO FREQUENTLY DO NOT HAVE BACKGROUND TO MAKE DECISIONS IN THIS FIELD.

A LONG-RANGE SOLUTION IS TO RAISE THE "CONSULAR CONSCIOUSNESS" OF SENIOR OFFICERS. DEPARTMENT MIGHT DETERMINE THAT A REQUIREMENT FOR DCM'S AND AMBASSADORS WOULD BE TO ATTEND CONSULAR COURSE. ALTERNATIVELY, A SHORTER COURSE IN CONSULAR ACTIVITIES MIGHT BE DESIGNED, WITH THE INTENTION OF EXPOSING SENIOR OFFICERS TO THE POLITICAL, SOCIAL, AND POLICY EFFECTS OF CONSULAR WORK.

5. CONSULAR OFFICERS ARE CONSULTED IN PROCESS OF DRAFTING PARM, AND OTHER REVIEWS OF POLICY, AS APPROPRIATE.

6. NUMBER AND LOCATION OF POSTS IN KENYA ARE ADEQUATE. HOWEVER, THE PROBLEM OF PROVIDING SERVICES TO THE APPROXIMATELY 270 U.S. RESIDENTS OF UGANDA IS A RECURRENT ONE. IT IS DIFFICULT TO SOLVE ADEQUATELY, GIVEN DEPARTMENT'S VERY WELL-FOUNDED REASONS FOR NOT MAINTAINING RESIDENT DIPLOMATS IN KAMPALA. SOME OTHER EMBASSIES IN NAIROBI HAVE OFFICERS

ACCREDITED TO UGANDA AS WELL, WHO MAKE PERIODIC VISITS.
WE BELIEVE VALUE OF PERIODIC CONSULAR VISITS WOULD BE
MINIMAL, GIVEN LACK OF GOOD COMMUNICATION WITH AMERICAN
RESIDENTS IN UGANDA AND CONSEQUENT DIFFICULTY OF NOTIFY-
ING RESIDENTS THAT A CONSULAR OFFICER WOULD BE IN TOWN,
HOWEVER, DURING SERIOUS CRISIS PERIODS IT MIGHT BE VERY
USEFUL TO HAVE CONSULAR OFFICERS THAT WERE ALSO FORMALLY
ACCREDITED TO UGANDA. DURING FEB-MARCH CRISIS OVER
EXPULSION IT WOULD HAVE BEEN MOST HELPFUL TO HAVE HAD A
CONSULAT TEAM READY TO GO TO KAMPALA TO MAKE ARRANGEMENTS
ON THE SPOT. THIS WOULD REQUIRE ADVANCE ACCREDITATION TO
BE EFFECTIVE. HOWEVER, POLICY REASONS CONTINUE TO
DICTATE AS LITTLE OFFICIAL AND DIRECT CONTACT WITH AMIN
REGIME AS PRACTICABLE.
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7. DEPARTMENT BACKSTOPPING ON ROUTINE CASES IS ADEQUATE
AND IN MANY CASES VERY RESPONSIVE AND HELPFUL. ON
DEVELOPING
ISSUES, HOWEVER, THERE ARE SOMETIMES DEFICIENCIES.
ONE SUCH ISSUE HAS BEEN THE APPROACH TAKEN TO AFRICAN
REFUGEES WHO APPLY FOR STUDENT VISAS. IN ABSENCE OF CLEAR
POLICY FROM DEPARTMENT, CONSULAR OFFICERS IN THE AREA HAVE
DEVELOPED THEIR OWN, SOMETIMES NONFITTING, APPROACHES.

NAIROBI HAS TRIED TO KEEP DEPARTMENT ADVISED OF THE DIMENSIONS OF THE PROBLEM, AND OF THE EXTREMELY DIFFICULT

POSITION OF THE CONSULAR OFFICER, WHO IS OFTEN SEEN BY U.S. CITIZEN SPONSORS OF REFUGEES AND BY CONGRESSIONAL INQUIRERS AS AN UNSYMPATHETIC BUREAUCRAT UNABLE TO RESPOND TO HUMANITARIAN/HUMAN RIGHTS PROBLEM. IN MANY CASES, HOWEVER, IT HAS SEEMED TO OFFICERS HERE THAT DEPARTMENT WISHES CONSULAR OFFICERS WERE NOT SO SCRUPULOUS IN JUDGING BONA FIDES OF THESE CASES, IF ONLY TO TAKE DEPARTMENT OFF THE HOOK OF CONGRESSIONAL INTEREST. IN CASES INVOLVING PROTECTION OF

AMERICANS, DEPARTMENT ASSISTANCE IS NEARLY ALWAYS VERY HELPFUL.

8. OFFICE SPACE IS PRESENTLY INADEQUATE IN TERMS OF LIMITED OFFICIAL USE

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PHYSICAL ARRANGEMENT OF OFFICES, WAITING AREA, TOILETS, ETC. THIS IS OPERATIONAL NECESSITY, HOWEVER, UNTIL NEW CHANCERY IS COMPLETED.

GIVEN NEED FOR SECURITY OF PERSONNEL OF SECTION, CONSULAR SECTION HAS TO ACCEPT A CERTAIN DECLINE IN THE EAST OF ACCESS CLIENTS HAVE TO OFFICERS. SOME CLIENTS, ESPECIALLY AMERICANS, COMPLAIN OF IMPERSONAL ATMOSPHERE CREATED BY SECURITY BARRIERS, BUT APART FROM EFFORTS BY CONSULAR OFFICERS TO PROVIDE EXCEPTIONALLY EFFICIENT AND PERSONAL SERVICE ONCE CLIENT HAS BEEN ADMITTED PAST BARRIERS, EMBASSY CAN'T DO MUCH TO EASE SITUATION UNTIL NEW BUILDING IS READY.

9. PRIVACY ACT/FREEDOM OF INFORMATION ACT RESPONSIBILITIES ARE CLEARLY UNDERSTOOD, AND THUS FAR, HAVE NOT BEEN MUCH OF A HINDRANCE TO EFFECTIVE CONSULAR ASSISTANCE TO AMERICANS.

10. POST DOES NOT ANTICIPATE DRAMATIC CHANGES IN VOLUME OR PATTERN OF CONSULAR WORK IN FORESEEABLE FUTURE.

11. "CONSULAR PACKAGE" IS USEFUL AS A REPORT OF WORKLOAD, BUT MAN-HOURS CALCULATIONS APPEAR TO BE A WASTE OF TIME. IN ABSENCE OF CLEAR INSTRUCTIONS FROM DEPARTMENT ON HOW HOURS SHOULD BE CALCULATED, EACH POST DEVISES ITS OWN SYSTEM, WHICH MAY HAVE NO COMPATIBILITY WITH SYSTEMS USED AT OTHER POSTS. THUS, COMPARISONS ARE IMPOSSIBLE. (A QUICK GLANCE AT STATISTICS FOR VISAS WILL PROVE POINT: POSTS WITH SIMILAR WORKLOADS REPORT VASTLY DIFFERENT MAN-HOUR FIGURES, WHICH CANNOT BE ACCOUNTED FOR BY VASTLY DIFFERENT CONDITIONS; AFTER ALL, THERE MUST BE ROUGHLY SIMILAR

PROCESSING TIMES FOR NIV'S AND IV'S AT

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MOST POSTS, BUT REPORTED MAN-HOUR FIGURES DO NOT SHOW THIS.) IT IS IMPOSSIBLE ADQUATELY TO QUANTIFY PROTECTION AND WELFARE WORK. A MORE PHILO-

SOPHICAL OBJECTION IS THAT NO OTHER FUNCTION IN THE FOREIGN SERVICE IS REQUIRED TO REPORT MAN-HOURS EXPENDED; THIS SIMPLY ADDS TO "BLUE-COLLAR" IMAGE OF CONSULAR PERSONNEL. BECAUSE VISA ISSUANCE STATISTICS MUST BE KEPT, THE TEMPTATION ARISES TO SOMEHOW QUANTIFY THE REST OF CONSULAR WORK, AND ONCE STATISTICAL REPORTS ARE MADE, THE NEXT TEMPTATION IS TO DETERMINE THE "EFFICIENCY" OF EACH POST AT EACH TASK. OTHER CONES ARE

NOT SUBJECT TO THIS SORT OF ANALYSIS, WHICH SERVES TO REINFORCE THE IDEA THAT CONSULAR OFFICERS ARE MERE TECHNICIANS, RATHER THAN CONTRIBUTORS TO POLICY-LEVEL DECISIONMAKING.

12. ADEQUATE COOPERATION IS RECEIVED FROM KENYA OFFICIALS AND RESIDENT AMERICANS.

13. CONSULAR PROTECTION OF AMERICANS IN DIFFICULTY WITH LOCAL POLICE/IMMIGRATION AUTHORITIES HAS SERVED, IN OUR OPINION, TO STRENGTHEN KENYA RESPECT FOR THE SERIOUSNESS OF EMBASSY ACTIVITIES AS A WHOLE. NO MAJOR DISPUTES HAVE BEEN CREATED THUS FAR BY VIGOROUS ASSISTANCE TO ARRESTED/DEPORTED AMERICANS.

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LEMELLE

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